

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 22nd AUGUST 2007 / 31st SRAVANA 1929

WP(C).No. 25588 of 2007(R)

PETITIONER:

THOTTEKKATTIL BALAKRISHNAN,
S/O VELAYUDHAN, AGED 39 YEARS,
ANANTHAVOOR ASMOM, VALIYAPARAPPUR DESOM,
TIRUR TALUK.

RESPONDENTS:

1. MOLYATHIL MUHAMMED @ BAVA,
S/O MOIDU, AGED 52 YEARS,
ANANTHAVOOR ASMOM, VALIYAPARAPPUR DESOM,
TIRUR TALUK.
2. THOTTAKKATTIL KUTTADAN VELAYUDHAN,
S/O KUNHU, AGED 64 YEARS,
ANANTHAVOOR ASMOM, VALIYAPARAPPUR DESOM,
TIRUR TALUK.
3. JANAKI, AGED 59 YEARS,
W/O THOTTAKKATTIL KUTTADAN VELAYUDHAN,
ANANTHAVOOR ASMOM, VALIYAPARAPPUR DESOM,
TIRUR TALUK.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
ON 23/08/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

M.N.KRISHNAN, J

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W.P.(C) No.25588 OF 2007

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Dated this the 22nd day of August 2007

JUDGMENT

This writ petition is preferred against the judgment of the Sub Court, Tirur in C.M.A.No. 14 of 2006. The petitioner-plaintiff who had been refused an order of injunction came up before the Tirur SuB Court for redressal of his grievance and the said court also dismissed the same. I had gone through the orders passed by both the courts below. Defendants in the suit got the property by virtue of a suit for specific performance and by delivery of the property through court against the parents of the plaintiff in the suit. The plaintiff claims right under A1 document. Prima facie the court felt that the documents produced by the defendants are entitled to better weight and therefore refused the order of injunction. I feel under Article 227 of the Constitution of India, this court is not competent to interfere where the finding is based on facts and materials.

Therefore the writ petition is dismissed. But, I make it clear that the trial court shall dispose of the suit itself, as expeditiously as possible, at any rate, within six months from the date of receipt of a copy of this judgment,

untrammelled by the observations contained in any of the interim orders passed including the judgment passed by this court, after giving sufficient opportunity to the parties to adduce evidence.

Writ petition is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-